



**MINUTES OF MEETING OF THE CITY COUNCIL  
OF THE CITY OF HAYWARD**  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, July 2, 2002, 8:00 p.m.

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**MEETING**

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Henson.

**ROLL CALL**

Present: COUNCIL MEMBERS Jimenez, Hilson,  
Rodriguez, Ward, Dowling, Henson  
MAYOR Cooper  
Absent: None

**PRESENTATION: Business Recognition Award**

The July 2002, Business Recognition Award was presented to Kulicke & Soffa, the world's largest supplier of semiconductor assembly equipment. The Package Test business unit in Hayward was founded as Oz-Tek in 1998, and was purchased by K&S in 2000. In addition to manufacturing composites and metals on Computer Numerically Controlled (CNC) machines, K&S assembles mechanical parts and Circuit Boards test and testers for probes and boards using Scanning Electronic Microscopes and X-Ray inspections. Kulicke & Soffa has 189 employees in Hayward. More than 60% of their employees are Hayward residents. K&S is a very successful company spreading the fruits of its labor to local Hayward residents. Gee Delisle, Vice President of the Package Test Products Division, and Rudy Bruggeman, Director of Operations and General Manager, accepted the award on behalf of Kulicke & Soffa. Mr. Delisle commended his employees and thanked the Council for this award.

**PUBLIC COMMENTS**

Gene Calderon introduced himself, noting that he is working for Assembly Member Ellen Corbett.

Chong Lee described the principals of Falon Gong as truth, compassion and tolerance, and discussed the persecution in the Bay Area on practitioners by the Chinese Consulate.

Barbara Swarr, using digital photos, pointed out the need for community preservation on various properties throughout the City.

**CONSENT**

Consent Items 1, 4 and 5 were removed for further discussion.

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1. Approval of Minutes of the City Council Meeting of June 25, 2002

It was moved by Council Member Dowling, seconded by Council Member Hilson, and unanimously carried to approve the minutes of the City Council Meeting of June 25, 2002 with a revision provided by Council Member Dowling to page 3 that reads as follows: "However, it is important for her to understand that it is not acceptable to allow properties to have tall weeds during renovations."

2. Downtown Sidewalk and Streetscape Improvements - Phase I: Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated July 2, 2002, was filed.

Barbara Swarr commented on the amount of dust that is generated from projects when water trucks are not used during construction. She thanked staff for insuring that water trucks be available during the deconstruction.

It was moved by Council Member Ward, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 02-094, "Resolution Awarding Contract to AJW Construction for the Downtown Sidewalk and Streetscape Improvements – Phase I Project, Project No. 6915"

3. Conversion of Digester No. 3 to Primary Mode, Repair of Digester No. 2 Dome: Approval of Plans & Specifications & Call for Bids

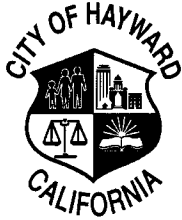
Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated July 2, 2002, was filed.

It was moved by Council Member Ward, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 02-095, "Resolution Approving Plans and Specifications for the Conversion of the Water Pollution Control Facility Digester No. 3 to Primary Mode and Repair of Digester No. 2 Dome Projects, Project Nos. 7645 and 7642 and Call for Bids"

4. Authorization for the City Manager to Execute an Assignment of the Lease between the City of Hayward and John and Lola Manzella, to Makhan S. Bains and Ravinder Singh

Staff report submitted by Airport Manager Shiner, dated July 2, 2002, was filed.



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Council Member Dowling asked if the lease includes language that states the operators would be in violation of the terms of the lease should there be continued needs for police services at the restaurant.

City Manager Armas stated that the terms of the lease do not address that, but should there be problems, the City can get involved. The new operators of the restaurant are experienced and financially capable of maintaining the lease. Future leases will include terms as recommended.

It was moved by Council Member Dowling, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-096, "Resolution Authorizing the City Manager to Execute an Assignment of the Lease Between the City of Hayward and John and Lola Manzella to Makhan S. Bains and Ravinder Singh"

5. Appropriation of Funds for the Mission-Garin Area Annexation Study

Staff report submitted by Senior Planner Calame, dated July 2, 2002, was filed.

Council Member Henson commented on an additional alternative as discussed at the previous work session.

City Manager Armas stated that staff had not seen a formal submittal by the property owners. He noted that direction was not provided in this regard. Once staff receives that information, it can present a better array of alternatives. Mr. Callahan was contacted in order to get clarification as to whether all of the property owners were involved in the alternative that he had submitted. City Manager Armas added that the material spoke to the General Plan, so staff has asked for further clarification on this as well. This will help answer whether the array of alternatives provides for the property owner's alternative.

Council Member Ward felt it more appropriate to offer the following motion, "that staff proceed with the work of reviewing the three alternatives and that a fourth alternative be specifically included in the analysis. The fourth alternative shall be that submitted by the property owners." The motion was seconded by Council Member Dowling.

Council Member Dowling asked the maker of the motion if he could add a friendly amendment. He noted that neighborhood groups will be meeting on July 17 and will be providing a map. He asked that this be included in the study.

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Council Member Ward felt that it made sense to conduct the evaluation on all four as presented rather than to review the options later. He felt there needed to be a sense of fairness as the developers are paying for the study.

Council Member Jimenez indicated that there are some discrepancies in zoning. He expressed concern that the City did not offer assistance with the zoning of that area.

City Manager Armas discussed the land use considerations as requested by the property owners and also whether there may be some conflict with the General Plan and also, the impacts on the property owners should be in concurrence with what has been submitted.

Council Member Jimenez asked why the property owners were not aided in the process.

City Manager Armas noted that the City's intent is to clarify the owner's alternative.

Council Member Ward indicated that as a result of the City Manager's statement, it would make sense to continue the item to no more than 60 days from now. He withdrew his previous motion and then moved to continue the item to a date certain, not later than 60 days from this date. Council Member Henson seconded the motion.

Cynthia Birmingham, speaking for herself and Jack Smith, agreed with the motion to continue the item.

Council Member Dowling asked the City Manager whether he thought one of the maps reflected the position of the property owners. City Manager Armas speculated that the comments from the community would be within the array from limited development to non-development.

A discussion by various Council Members ensued.

Mayor Cooper said she would not be supporting the motion. She commented that this is the issue that the City has brought up, and in reviewing the property owners plans, she said she was not impressed and notified them of her concerns. She felt the need to move ahead.

It was moved by Council Member Ward, seconded by Council Member Henson, to continue the item to a date certain, not later than 60 days from this date by the following vote:

AYES:	Council Members Jimenez, Hilson, Rodriquez, Ward, Henson
NOES:	Council Member Dowling MAYOR Cooper
ABSENT:	None



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**HEARINGS**

6. Zone Change No. PL-2001-0300, Variance No. 2002-0253 and Tentative Tract Map No. 7261 - Mohammad Shaiq for Samah Construction, Inc. (Applicant/Owner) - Request to Subdivide a 23,086 Square-Foot Parcel, Change the Zoning from Commercial Office (CO) to Planned Development (PD) to Allow the Construction of 7 Townhouses, Including a Variance - The property Is Located on Tennyson Road at East 12 Street

Staff report submitted by Assistant Planner Koonze, dated July 2, 2002, was filed.

Planning Manager Anderly made the staff presentation, showing the various elevations and responded to questions.

Council Member Henson asked about traffic movements through the neighborhood. He also asked about the community open space. He wondered whether the common area play equipment was sufficient for the development.

Planning Manager Anderly said staff would make sure that quality equipment is installed and concerned that the type of equipment be adequate for the needs of the tenants.

Council Member Dowling expressed the concerns of the residents on East 12<sup>th</sup> and whether volume and speeding are being addressed. In response it was noted that staff would be following up.

Council Member Hilson expressed his concerns for the project design, in particular the amount of asphalt being planned for the back of the project and the lack of landscaping.

Planning Manager Anderly said there is a possibility that there may be small pockets of areas for plantings and vines on the back of the units.

Council Member Hilson said he was reminded of projects approved in years past and thought they had gone past that. He thought that this was an extremely cramped project and that it looked too institutional as well as looking like something from the fifties.

Council Member Ward asked if the City had any prior experience with this developer. There was no indication that staff was familiar with his work.

Mayor Cooper opened and closed the public hearing at 9:07 p.m.

Council Member Hilson said he was supportive of a project on this site, but felt that this project

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needed additional work. He said there was no articulation, it was not attractive, it needs more work and is too dense a project, it needs to lose at least one unit. He then moved to send this back for redesign and reconsideration. Council Member Rodriquez seconded the motion.

Council Member Dowling indicated that this project does have articulation, windows, archways, etc. in the elevation. He commented that it had appropriate density and would not support the motion.

Council Member Henson agreed that it looks almost barrack like. He noted that they do need higher density around BART. He agreed that it needed more work. There are many opportunities to look at other projects near BART stations. He said he would support the motion. He then asked about visitor parking.

Planning Manager Anderly said this project encourages visitors to take BART.

Council Member Ward clarified the motion.

Council Member Hilson said it was not a disapproval of the project but rather denial and sending back for re-designing. He indicated that the project needs more landscaping and more character.

Council Member Rodriquez said that infill is the hardest thing to do in a City, housing needs to be inviting from the street, and this has a sense of barracks. She indicated that there are a lot of attractive but dense projects available for study, even in Europe.

Council Member Jimenez said it is important that livable units be developed within walking distance of BART. Although the Spanish motif is favorable, it still needs more landscaping.

Mayor Cooper agreed with Council Member Henson that visitor parking was too limited. She would be supporting the motion.

It was moved by Council Hilson, seconded by Council Member Rodriquez, to deny the project by the following vote:

AYES:	Council Members Jimenez, Hilson, Rodriquez, Ward, Henson MAYOR Cooper
NOES:	Council Member Dowling
ABSENT:	None
ABSTAINED:	None

7. Zone Change No. PL-2002-0210 and Tentative Tract Map No. 7263 - Ronald Ko (Applicant), Eric Tang/Pilar Escand Aberasturi/Reliance Invest (Owner) - Request to Modify the Preliminary Development Plan for a Planned Development District and to Approve a Tentative Tract Map to Accommodate 14 Townhouses - The Property Is Located at 28538



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Huntwood Avenue

Staff report submitted by Associate Planner Camire, dated July 2, 2002, was filed.

Planning Manager Anderly described the project, which is designed to look like single-family units and will preserve many of the mature trees on the site. She noted that the design guidelines have been met and that the project meets the home ownership goals for the City of Hayward.

Council Member Hilson said this project had more appeal than the last one considered. He then expressed concern regarding the formula used by the school district to determine the number of students that this project may generate.

City Manager Armas indicated that the formula is driven by the number of units built most recently. A discussion ensued regarding the evaluation and how the formula is derived by the School District.

Council Member Henson asked Planning Manager Anderly about the Planning Commission discussion on Unit 1.

Mayor Cooper opened the public hearing at 9:31 p.m.

James Chao, architect for the project, described it as a meandering park-like setting. He noted that this project creates a sense of privacy and the perception of a village. He commented that the Planning Commission made favorable comments about the design.

Council Member Ward appreciated his comments about staff, and said sites like this are often challenging. He asked about Unit 1, and whether it was considered to place the unit more into the setting. In response, Mr. Chao stated that the focus of the house would be more toward the landscaping.

Council Member Jimenez asked whether he had created similar projects in Berkeley and Mr. Chao responded affirmatively.

Mayor Cooper closed the public hearing at 9:35 p.m.

It was moved by Council Member Henson, seconded by Council Member Rodriguez, and unanimously carried to introduce and adopt the following:

Introduce Ordinance 02-\_\_, "An Ordinance Amending the Zoning District Map of Chapter 10, Article I of the Hayward Municipal

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Code by Modifying the Preliminary Development Plan for Certain Territory Located at 28438 Huntwood Avenue Pursuant to Zone Change Application No. 2001-0210”

Resolution 02-098, “Resolution Approving Zone Change Application No. PL 2002-0210 and Tentative Tract Map No. 7263, and Certifying that the Initial Study and Negative Declaration have been Completed in Compliance with the California Environmental Quality Act”

Council Member Henson said he appreciated the design around the mature trees, and the lasting character. He again expressed concerns with the generation of cars. He emphasized that there is a need to look more thoroughly at this issue.

Council Member Jimenez asked about the price of these homes.

Erik Tan, originally developer, said the homes would be between \$330,000 and \$360,000.

Council Member Hilson expressed concern about the parking as well.

Council Member Dowling said this project with the 2-car garages has adequate parking; any additional parking would include too much asphalt.

It was moved by Council Henson, seconded by Council Member Rodriquez, to introduce and approve the following:

Introduce Ordinance 02-\_\_, “An Ordinance Amending the Zoning District Map of Chapter 10, Article I of the Hayward Municipal Code by Modifying the Preliminary Development Plan for Certain Territory Located at 28438 Huntwood Avenue Pursuant to Zone Change Application No. 2001-0210”

Resolution 02-098, “Resolution Approving Zone Change Application No. PL 2002-0210 and Tentative Tract Map No. 7263, and Certifying that the Initial Study and Negative Declaration have been Completed in Compliance with the California Environmental Quality Act”

## **COUNCIL REPORTS**

There were no Council reports





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**ADJOURNMENT**

Mayor Cooper provided Council Member Jimenez with the opportunity to adjourn the meeting at 9:41 p.m., in memory of Vince Maldonado, who worked at the Hayward Water Department for 30 years. Mr. Maldonado was active as a referee, manager and coach for youth sports teams and won the HARD Citizen Award and the Handicapped Citizen of the Year award.

**APPROVED:**

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Roberta Cooper, Mayor, City of Hayward

**ATTEST:**

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Angelina Reyes, City Clerk, City of Hayward

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